

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.204 OF 2007

Mukesh Shantilal Mehta ...Petitioner

Versus

The State of Maharashtra ...Respondent

Shri Nitin V. Gangal for the Petitioner.

Shri Sagar Joshi i/by Shri S.M.Oak for the Respondent
No.2.

**CORAM : ABHAY S.OKA, J.
DATED : JUNE 16, 2007.**

P.C.:

1. My attention has been invited to order dated 16th November, 2006 passed in Public Interest Litigation No.78 of 2006. By the said order Division Bench directed the trial Court to decide Applications for temporary injunction in certain suits within a period of two months from the date of receipt of certified copy of the order of this Court. According to the Petitioner the said suits relate to unauthorised constructions in respect of which inaction on the part of the second Respondent Municipal Corporation was alleged.

2. The roznama of the suits shows that on 6th June 2007 the trial Court received writ of the order passed by this Court on 16th November, 2006. It appears that till that date, none of the parties produced a certified

copy of the order of this court.

3. The learned Advocate for the Petitioner is right in contending that the second Respondent Municipal Corporation ought to have invited the attention of the trial Court to the order passed by the Division Bench of this Court as the second Respondent should be keen to ensure that the ad-interim reliefs granted by the trial Court should be vacated.

4. The trial Court has received order of this Court on 06th June, 2007. It is, therefore, obvious that the trial Court will have to decide the Applications within a period of two months from 06th June, 2007.

5. The Petitioner has annexed copies of certain applications filed by the Plaintiffs in the said suit to which the second Respondent is a party. The said Applications are filed in Regular Civil Suit No.674 of 2004 which is the subject matter of the order of the Division Bench. The said Applications which are annexed to the Contempt Petition have been filed on 03rd February, 2007, 23rd February, 2007 and 20th March, 2007. The said applications were for extension of ad-interim order of status-quo on the ground that disposal of the application for temporary injunction was

likely to take time. It is true that the said applications were opposed by the second Respondent. Surprisingly, the second Respondent has not at all pointed out to the concerned court that this Court had fixed a time bound schedule to decide the applications for injunction. The second Respondent was represented before this Court when order dated 16th November 2006 was passed and therefore, the second Respondent ought to have pointed out the order of this Court to the trial Court when ad-interim relief was extended by the trial Court.

6. It is expected of the second Respondent to co-operate with the learned trial Judge for disposal of the pending applications. At this stage, no action is required to be initiated under the Contempt of Courts Act, 1971. Subject to what is stated above, Contempt Petition is disposed of.

JUDGE